

Mail Stop Interference
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Paper 1
Filed: 19 August 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SHLOMO BEN-HAIM, NISSIM DARVISH,
YUVAL MIKA and MAIER FENSTER
Junior Party
(Patent 6,463,324),

v.

MORTON M. MOWER
Senior Party
(Application 10/053,750).

Patent Interference No. 105,768 (SCM)
(Technology Center 3700)

DECLARATION – Bd.R. 203(b)¹

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue

¹ “Bd.R. x” may be used as shorthand for “37 C.F.R. § 41.x”. 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 application (if any), count(s) and claims designated as corresponding or as not
2 corresponding to the count(s) appear in Parts E and F of this DECLARATION.

3 **Part B. Judge managing the interference**

4 Administrative Patent Judge Sally C. Medley has been designated to
5 manage the interference. Bd.R. 104(a).

6 **Part C. Standing order**

7 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
8 DECLARATION. The STANDING ORDER applies to this interference.

9 **Part D. Initial conference call**

10 A telephone conference call to discuss the interference is set for **1:30 p.m.**
11 **on 12 Oct. 2010** (the Board will initiate the call).

12 No later than **four business days** prior to the conference call, each party
13 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd.R. 120;
14 Bd.R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15 A sample schedule for taking action during the motion phase appears as
16 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
17 schedule prior to the conference call and to agree on dates for taking action. A
18 typical motion period lasts approximately eight (8) months. Counsel should be
19 prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named Inventors: SHLOMO BEN-HAIM, Haifa, Israel
NISSIM DARVISH, Haifa, Israel
YUVAL MIKA, Haifa, Israel
MAIER FENSTER, Petachtikva, Israel

Involved Patent: Patent 6,463,324, issued 08 Oct. 2002, based on
Application 09/254,900, filed 12 March 1999
and Re-examined per application 90/008312,
filed 1 November 2006, certificate issued 29
April 2008.

Title: CARDIAC OUTPUT
ENHANCED PACEMAKER

Assignee: MEDINVEST CAPITAL S.A R.L.

Senior Party

Named Inventors: MORTON M. MOWER, Baltimore, MD

Involved Application: Application 10/053,750, filed 21 Jan. 2002.

Title: AUGMENTATION OF ELECTRICAL
CONDUCTION AND CONTRACTILITY
BY BIPHASIC CARDIAC PACING
ADMINISTERED VIA THE CARDIAC
BLOOD POOL

Assignee: MR3 MEDICAL, LLC

The senior party is assigned exhibit numbers 1001-1999. The junior party
is assigned exhibit numbers 2001-2999. Bd.R. 154(c)(1); SO ¶ 154.2.1. The
senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

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1 App. 08/699,552, filed 19 Aug. 1996, now
2 Patent 5,871,506, issued 16 Feb. 1999.
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5 **Part G. Heading to be used on papers**

6 The following heading must be used on all papers filed in this
7 interference, see SO ¶ 106.1.1:

8 UNITED STATES PATENT AND TRADEMARK OFFICE
9

10 BEFORE THE BOARD OF PATENT APPEALS
11 AND INTERFERENCES
12

13 SHLOMO BEN-HAIM, NISSIM DARVISH,
14 YUVAL MIKA and MAIER FENSTER
15 Junior Party
16 (Patent 6,463,324),

17 v.

18 MORTON M. MOWER
19 Senior Party
20 (Application 10/053,750).
21

22 Patent Interference No. 105,768 (SCM)
23 (Technology Center 3700)
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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally C. Medley/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy of Patent 6,463,324
Copy of claims of Application 10/053,750
Copy of Patent 6,341,235
Copy of Patent 6,136,019
Copy of Patent 5,871,506

1 cc (via overnight delivery):

2 Attorney for Ben-Haim:

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13 Attorney for Mower:

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